

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAROLD E. CAMPBELL, JR.,

Plaintiff,

v.

1:05-CV-1501
(GTS/GJD)

CONSOLIDATED RAIL CORP.; and
CSX TRANSPORTATION, INC.,

Defendants.

APPEARANCES:

HANNON & PALERMO, P.C.
Counsel for Plaintiff
150 South Independence Mall West
Philadelphia, PA 19106

HODGSON RUSS LLP
Counsel for Defendants
60 East 42nd Street, 37th Floor
New York, NY 10165

BURNS, WHITE & HICKTON, LLC
Counsel for Defendants
106 Isabella Street
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Pittsburgh, PA 15212

OF COUNSEL:

DON P. PALERMO, ESQ.
GREGORY JOHN HANNON, ESQ.

NOREEN D. GRIMMICK, ESQ.
LAWRENCE R. BAILEY, JR., ESQ.

ANDREW M. SMALLEY, ESQ.
T.H. LYDA, ESQ.

GLENN T. SUDDABY, United States District Judge

AMENDED ORDER

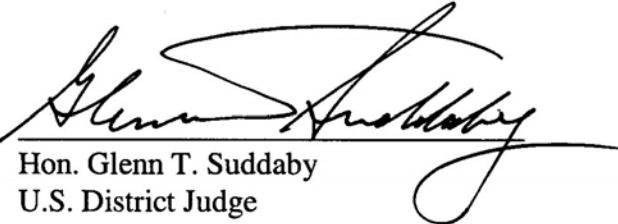
This matter was scheduled to go to trial on 1/6/09 in Syracuse, New York. On the morning of the trial, counsel recommenced settlement talks and the case settled shortly thereafter. Accordingly, the Court thanked and dismissed the potential jurors.

Local Rule § 47.3 dictates that "[w]henver any civil action scheduled for trial is . . . settled . . . in advance of the actual trial, then, except for good cause shown, all juror costs, including marshal's fees, mileage and per diem, shall be assessed against the parties and/or their attorney's, unless the court and the clerk's office are notified at least one full business day prior to the day on which the action is scheduled for trial, in time to advise the jurors that is shall not be necessary for them to attend."

Here, the jurors could not be advised that their presence was not needed because this matter settled on the morning of the day the trial was scheduled. Finding no good cause to waive juror costs in this matter, and having calculated the costs to be \$1,377.40, it is hereby:

ORDERED, that pursuant to Local Rule § 47.3, Defendants Consolidated Rail Corporation & CSX Transportation, Inc. are assessed \$1,377.40 in juror costs. A check shall be made payable to Clerk, United States District Court.

Dated: January 12, 2009
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge